

How To Use Copyrighted Material For Advertising Free From Legal Concerns?



All may not be aware of this, but advertising is as old as commerce and civilization. Nearly 3, 000 years ago, people tended to promulgate their products and services on clay tablets, through town criers, etc.; however, advancements in technology have changed the ways people advertise their business today. Companies nowadays beckon potential customers by using pamphlets, brochures, billboards, radio and TV communications, commercial text messages, email advertisements, and many other advertising tools.

With the availability of so many options to advertise products and make consumers buy them, more and more businesses are moving towards advertising, thus turning the industry comparatively more competitive than ever before. Besides competitive, advertising appears a costly affair for most entrepreneurs, startups, and SMEs (small and medium-sized enterprises). Ultimately, the limited budget and the human tendency to exaggerate quick

benefits in the cut-throat challenging era make people advertise their business by using the copyrighted products of others. It is because creating new items often demands high investments in comparison to accessing copyrighted ones, but advertising in this manner may lead to **Copyright Infringement** issues. Hence, if you want to use others' copyrighted materials in your business ads, then make sure to do so while keeping the legal concerns at bay. It is easily possible by getting information about the legal policies on how to use copyrighted items without facing legal concerns.

Copyright law and Advertising

Copyright law facilitates the creator of creative work with exclusive rights that help them in preventing unauthorized users from using their work. The copyright rights limit people from making profits by accessing any material without obtaining the owner's permission. According to this law, the person who violates the copyrights of others could have to pay a fine as a penalty for infringing someone's **Intellectual Property Rights (IPRs)**. Since the same policies apply to the advertising industry also, there's a need to be cautious while using copyrighted materials in your ads. Some copyrighted items that you might desire to use in advertising include:

- Pieces of literature
- Song recordings
- Photographs
- Art

Copyright Basics

As copyright rights are country-specific, they often vary from nation to nation. Therefore, before using any copyrighted work in advertising, you should be familiar with its copyright status as per that nation. For instance, the copyright law of the US states that the tangible items created after 1978 are capable of obtaining **Copyright Protection** automatically. The owners neither have to display a copyright symbol on them nor need to register them with the U.S.

Copyright Office. On the other side, materials manufactured before 1978 should either have a copyright symbol or be registered. Becoming familiar with the copyright status of any item in that particular nation isn't enough; make sure to know about their use as well.

Commercial Use

Most people desire to use the copyrighted material for commercial purposes but such usage, whether in advertising or any other area, is not permitted without the owners' permission. Nevertheless, the items published before 1923 are acknowledged under the public domain and therefore, allowed to be used in commercials. Note that the materials published after 1923 get the copyright protection that lasts for 95 years from the time of publication and 120 years from the day of creation and can't be used (without permission) during these periods.

Fair Use

Fair use is one of the most noticeable exceptions to U.S. copyright laws. It enables people to use copyrighted works, but only if doing so benefits the public, cultural activities, or educational contexts. For instance, an ad that can help people quit smoking can use a quote, sentence, or paragraph from a copyrighted medical textbook. Ads that educate the public about bullying, drug use, etc., also fall under the same category, i.e., fair use. Although this category permits the use of copyrighted materials, you must display a clear purpose of the advertisement associated with public welfare and use the snippets of the items. If you fail to do so, then you may fall into legal issues. Besides, remember that no law provides apparent information about how much use of a copyrighted item is permissible. For example, you may use some lines of others' textbook but not some pages of the same.

Permission for Use

As per this policy, you can use someone else's copyrighted work in your advertising, but after obtaining a license that the licensor may provide you in exchange for a set amount. Hence, you have to determine the licensor by finding and viewing the name located next to the copyright symbol. In some cases, when there is no symbol or name on the item, you should search for the name online

on the U.S. Copyright Office website. This category emphasizes money but not always, like owners of lesser-recognized work can permit you to use their work only in exchange for publicity by having their name somewhere in your ads. It means you can enjoy profitable advertising for your business that too without paying any money.

Advertisements are one of the common targets for **Intellectual Property** infringement lawsuits. If you are not cautious, you can lose your brand reputation and face financial losses. Here, we have tried to provide vital data that can help you protect your ads and prevent legal troubles. As prevention is always better than cure, before launching any advertising campaign in the future, be sure that it suffice both a general legal perspective and an IP perspective. For view source: <https://www.trademarkmaldives.com/blog/how-to-use-copyrighted-material-for-advertising-free-from-legal-concerns/>

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Thank You